

ST. CHARLES PARISH
PLANNING BOARD OF COMMISSIONERS
FEBRUARY 12, 2015
7:00 P.M.

CALL TO ORDER
PLEDGE OF ALLEGIANCE

TABLED CASE:

1 PZSPU-2015-04

Requested by: Errol J. Falterman for a special permit use for outdoor storage ancillary to a roofing company proposed at 53 Barreca St., Norco, Zoning District C-2 proposed **C-3. Council District 6. Public hearing has not been satisfied. The companion rezoning request failed at the January 26, 2015 Council meeting. The Special Permit Use application is no longer valid. The Planning Commission shall remove from consideration.**

2 PZR-2015-04

Requested by: DNA Real Estate, LLC for a change in zoning from O-L to O-L, R-1M & M-1 at Lot 20A of Pecan Grove, 12350 River Road, St. Rose. Council District 5. **Public hearing has been satisfied. Forward to Council March 16, 2015.**

PUBLIC HEARINGS:

9 PZHO-2015-02

Requested by: Anthony Ragusa for a home occupation – “Authentic Air, LLC” at 100 Cypress Lane, Destrehan. Zoning District R-1A. Council District 3. **Forward to Council March 16, 2015.**

13 PZR-2015-06

Requested by: Triniece M. Davis for a change in zoning classification from CR-1 to C-2 at 1500 Paul Maillard Rd., Luling (Lots 18 & 19 according to Plan of Subdivision of E.M. Collier, Surveyor, dated March 24, 1953) Council District 2. **Forward to Council March 16, 2015.**

OLD BUSINESS
NEW BUSINESS
MINUTES – January 8, 2015
ADJOURN



LARRY COCHRAN
CHAIRMAN
COUNCILMAN, DISTRICT V

TRACI A. FLETCHER
VICE-CHAIRMAN
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COUNCILMAN, DISTRICT II

WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

JULIA FISHER-PERRIER
COUNCILWOMAN, DISTRICT VII

ST. CHARLES PARISH

OFFICE OF THE COUNCIL

P.O. BOX 302 • HAHNVILLE, LOUISIANA 70057


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COUNCIL OFFICE MEMORANDUM

DATE: JANUARY 30, 2015

TO: MR. MICHAEL ALBERT
PLANNING & ZONING DIRECTOR

FROM: TIFFANY K. CLARK 
COUNCIL SECRETARY

RE: ZONING CLASSIFICATION
C-2 TO C-3 AT LOTS 13 & 14 OF BLOCK 2
53 BARRECA STREET, NORCO

On January 26, 2015, File No. 2015-0002 **FAILED** to receive the required votes for passage; a proposed ordinance to amend the Zoning Ordinance of 1981, to change the land use zoning classification from C-2 to C-3 at Lots 13 & 14 of Block 2 of Lot D Subdivision of Goodhope, 53 Barreca St, Norco as requested by Errol J. Falterman.

Please notify the appropriate parties of the council's action in this regard.

TKC/sm

cc: Parish Council
Mr. Buddy Boe
Planning & Zoning Commission

FEB 2 2015

St. Charles Parish

Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR 2015-04

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:** DNA Real Estate, LLC
Anna & Glendon Nelson
12246 River Rd
St Rose LA 70087
504.51.2368
nelsonbros@cox.net
Application Date: 12/9/14
- ◆ **Location of Site:**
Lot 20-A of Pecan Grove Subdivision (between E James St & Cristina Ln) Destrehan.
- ◆ **Requested Action**
Rezone from OL to R-1M & M-1.
- ◆ **Purpose of Requested Action**
RV Park & laydown area for equipment (latter requires Special Permit Use)

SITE – SPECIFIC INFORMATION

- ◆ **Size of Parcel**
8.467 acres.
- ◆ **Existing Land Use and Zoning**
OL & vacant.
- ◆ **Surrounding Land Uses and Zoning**
R-1A zoning, vacant uses abuts upriver side; OL zoning, vacant uses abut on downriver side.
- ◆ **Traffic Access and Parking**
River Rd.
- ◆ **Plan 2030 Recommendations:**
Low Density Residential.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish Council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.
 - b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.

- c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
- d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
- 3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

AND:

[IV.] R-1M. Manufactured home/recreational vehicle (RV) park:

RV Park:

- a. Location, space and general layout:
 - (1) The RV park shall be located on a well-drained site [and] shall be so located such that is [its] drainage will not endanger adjacent property and water supply.
 - (2) Any lot or portion of ground proposed to be used for an RV park shall have sufficient frontage for construction of entrances and exits properly designed for the safe movement of park traffic.
 - (3) Each RV space shall contain a minimum of fourteen hundred (1,400) square feet, shall be at least thirty-five (35) feet wide, and shall have its boundaries clearly defined. The space shall abut on a driveway.
 - (4) A minimum site of one (1) acre is required for an RV park.
 - (5) RV's shall be parked on each space to conform to the following minimums:
 - (a) Twenty-five (25) feet clearance between RV's. (Ord. No. 06-2-9, § I, 2-20-06)
 - (b) Five (5) feet clearance between each RV and its respective site line.
 - (c) Ten (10) feet between RV's and any adjoining property lines.
 - (d) Twenty (20) feet between RV's and any public street right-of-way.
 - (e) Twenty-five (25) feet between RV's and any building or structure not used for accessory purposes.
 - (f) Accessory buildings must be a minimum of ten (10) feet from any RV.
- b. Parking: Sufficient area shall be provided for the parking of at least one (1) motor vehicle for each RV space plus an additional car space for each three (3) lots to provide for guest parking, two (2) car tenants and for delivery and service vehicles.
- c. Transportation system:
 - (1) Streets and access drives: All streets and access drives within the RV park shall be constructed to required parish specifications as outlined in subdivision regulations [appendix C].
 - (2) Driveway: All driveways within the RV park shall be designed and surfaced with appropriate materials which will provide adequate and safe means of transit for park residents.
- d. Recreation: Not less than ten (10) percent of the gross area of the RV park is to be set aside, designed, constructed and equipped as a recreational area. Recreation area design and equipment shall be approved by the St. Charles Parish Recreation Department Director.
- e. Utilities: Each RV site shall be provided with a sanitary sewer connection, and each RV shall be provided with a collection and treatment system and public water supply in compliance with the standards of the Parish Health Unit and the State Health Department.
- f. Garbage: If garbage hoppers are to [be] provided, then two (2) shall be provided for each twenty (20) RV sites, and each hopper shall be screened from view by wood or masonry fencing.
- g. Screen fences, walls and buffer screening: Fences should be installed where necessary for screening purposes such as around outdoor areas, laundry yards, refuse collection points and playgrounds. A six (6) feet opaque fence or buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.
- h. General: Individual RV sites may be leased or rented but not subdivided or sold.
- i. All improvements required in this section must be completed prior to the placement of any RV on the site.

ANALYSIS

The applicants are requesting to rezone Lot 20-A of Pecan Grove Subdivision (situated between E James St & Cristina Ln in Destrehan) from OL to R-1M and M-1 on one portion of the lot and to keep a 30-foot wide piece along the upriver side of the lot as OL. The owners plan to develop approximately 1,800 feet of the lot from River Road back as an 80 or less site RV Park and utilize the 30-foot wide upriver side as an access to one side of the Park to the rear lot portion to be zoned M-1. This lot portion is intended to be used to store trucks and equipment for the applicants' existing tree clearing and storm recovery businesses.

The submitted site plan shows the RV Park being laid out with a private roadway down the middle with individual sites situated on both sides. This road will also end at M-1 site. Each RV pad is shown to well-exceed the minimum 1,400 square foot requirement. The RV Park site plan also shows that all requirements spelled out for RV Park design are adequately addressed and exceed minimum requirements. These include setbacks and buffering of the site from abutting lots, as well as providing for extra parking, recreation, and a DHH required shower / restroom / washeteria building. The site will also meet the MS4 requirements which stipulate that any developed site exceeding 1 acre must adequately regulate storm water discharge. The owners intend to keep some of the larger trees on the lot and lay out the recreation area and green space throughout the site to encourage absorption of some storm water within the site.

Because this application is a request for rezoning from a single OL into 3 (including keeping existing OL on a 30-foot strip of the lot, the Department deemed it more prudent to analyze each request individually.

For the request to rezone to R-1M, the application **meets the second criteria**, which refers to how the rezoning and its potential land use change could have impacts to the community infrastructure. River Road in this portion of Destrehan operates well below capacity. With 80 sites within the project, it is estimated that an increase of fewer than 500 vehicular trips per day will result. This segment of River Road is also sparsely developed. So as with the increase in traffic, there is enough water and sewer service along there to adequately handle the anticipated increase.

Development of an RV Park could result in a land use incompatibility if it is considered that the predominant surrounding land uses are vacant. However, just downriver is an existing smaller camper or RV Park. But adding this site to that inventory serves a greatly underserved need in this community for places where RV owners can reside. There are a significant number contract employees of nearby industrial facilities who, rather than rent hotels or multi-family housing, own and operate RVs or camper trailers. There are more of these than there are spaces to occupy in the community.

Regarding consideration of incompatibility with the Future Land Use Map (low-density residential), the primary surrounding land uses are vacant. Adding up to 80 residential uses to the area would better match the designation.

For the request to rezone to M-1, the application also **meets the second criteria**. There should not be enough truck traffic added to River Road to cause any traffic problems. Demand to public sewer or water, if any are even needed there, will be addressed by extending these services through the RV Park. And pertaining to resulting in land use incompatibly, it is anticipated that some of the equipment housed on this site will serve the RV Park as well. So it could be contended that the uses of the site will be accessory uses to the RV Park.

Rezoning to M-1 would conflict with the Future Land Use Map. However, this section of the site is below the three acre threshold that mandates a corresponding FLUM amendment. No change to the adopted FLUM is recommended at this time.

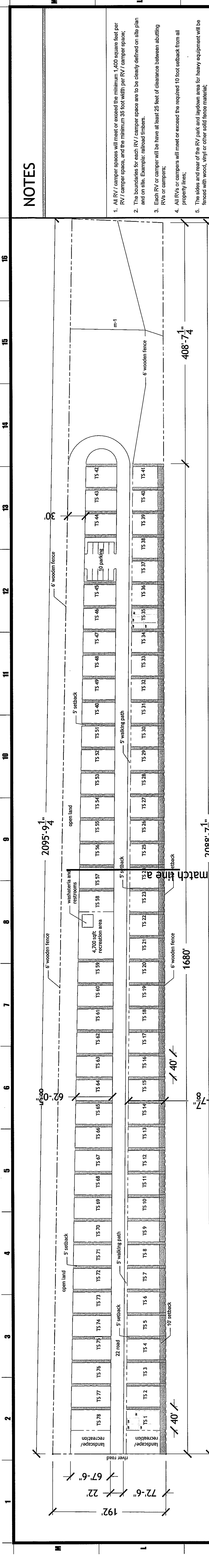
Preserving the 30-foot by 1,818 foot portion of Lot 20A as OL, **meets the third criteria** because there is still much land in the vicinity zoned OL. This means there are no issues of arbitrariness or the creation of monopolies of certain land uses, nor will it create a spot zone. It will also benefit future tenants of the RV Park because the owners intend to install a road on this segment to the M-1 portion of Lot 20A to provide a way to bypass the RV Park without using the road down the middle.

DEPARTMENT RECOMMENDATIONS

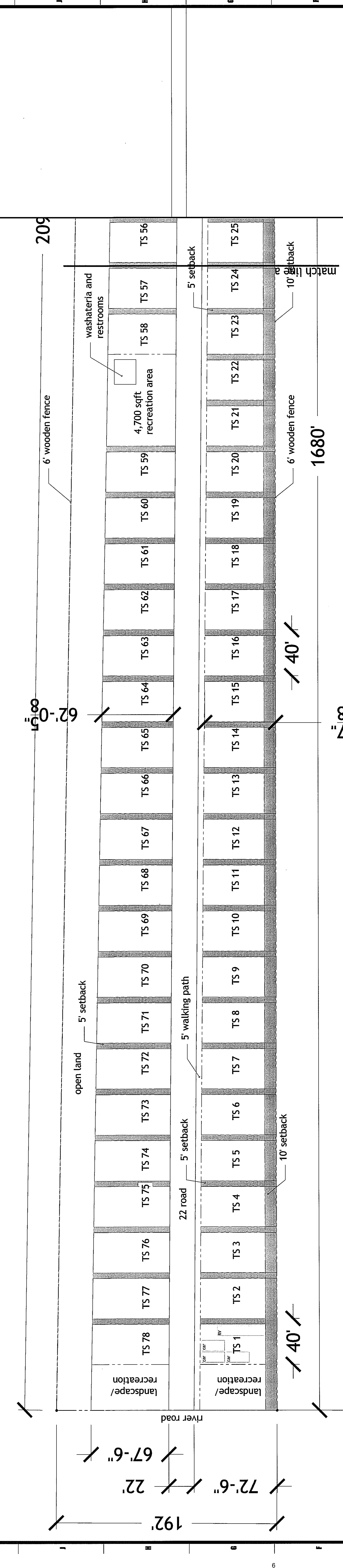
Approval to rezone from OL to R-1M;

Approval to rezone from OL to M-1.

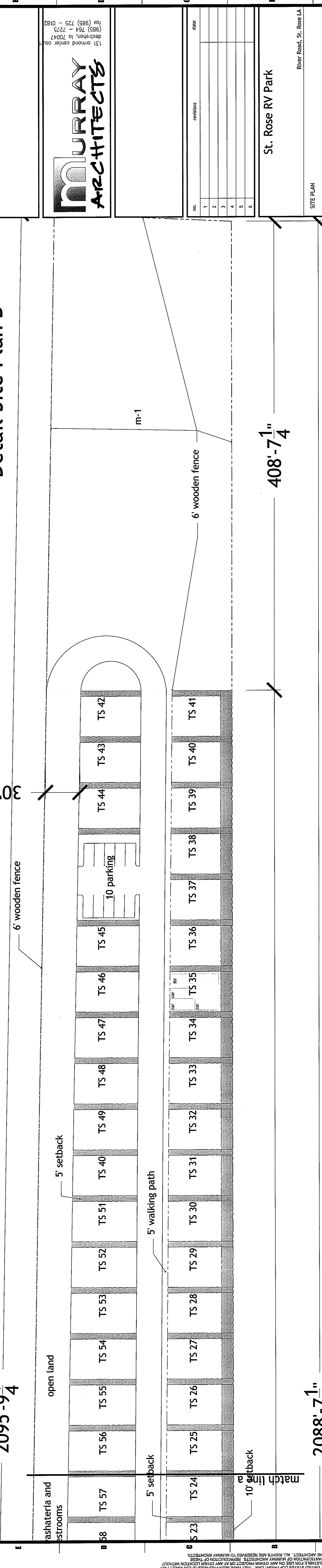
Approval to keeping the 30-foot wide by 1,818 foot portion of Lot 20A as OL.



Overall Site Plan



Detail Site Plan B



Detail Site Plan A

1/8"=1'-0"

A-1

SITE PLAN

2088'-7 1/4"

408'-7 1/4"

1680'

2095'-9 1/4"

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- NOTES
1. All RV / camper spaces will meet or exceed the minimum 1,400 square foot per RV / camper space, and the minimum 35 foot width per RV / camper space.

2. The boundaries for each RV / camper space are to be clearly defined on site plan and on site. Example: railroad firelane.

3. Each RV or camper will be have at least 25 feet of clearance between abutting RVs or campers.

4. All RVs or campers will meet or exceed the required 10 foot setback from all property lines.

5. The sides and rear of the RV / park and laydown area for heavy equipment will be fenced with wood, vinyl or other solid fence material.

6. No final certificate of occupancy for the RV park will be issued without an approved wastewater and restroom building, built according to applicable codes or regulations.

131 ornond center co

des Moines, IA 50347

(515) 264-7275

(515) 264-7275

(515) 264-7275

murray

ARCHITECTS

no.

1

2

3

4

5

6

revisions

date

St. Rose RV Park

River Road, St. Rose LA

SITE PLAN

drawing number

1413

project number

12.08.2014

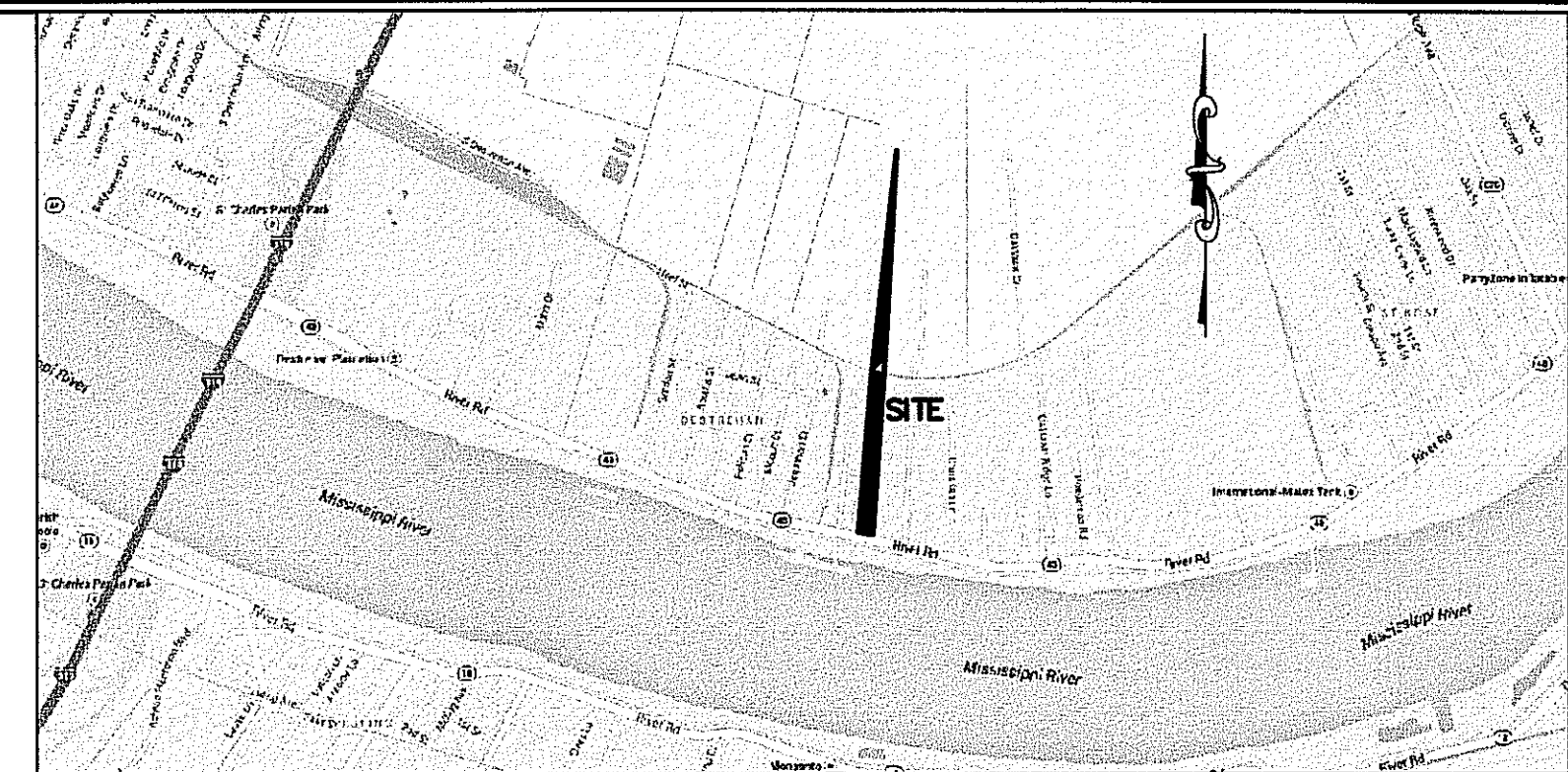
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VICINITY MAP
(NOT TO SCALE)



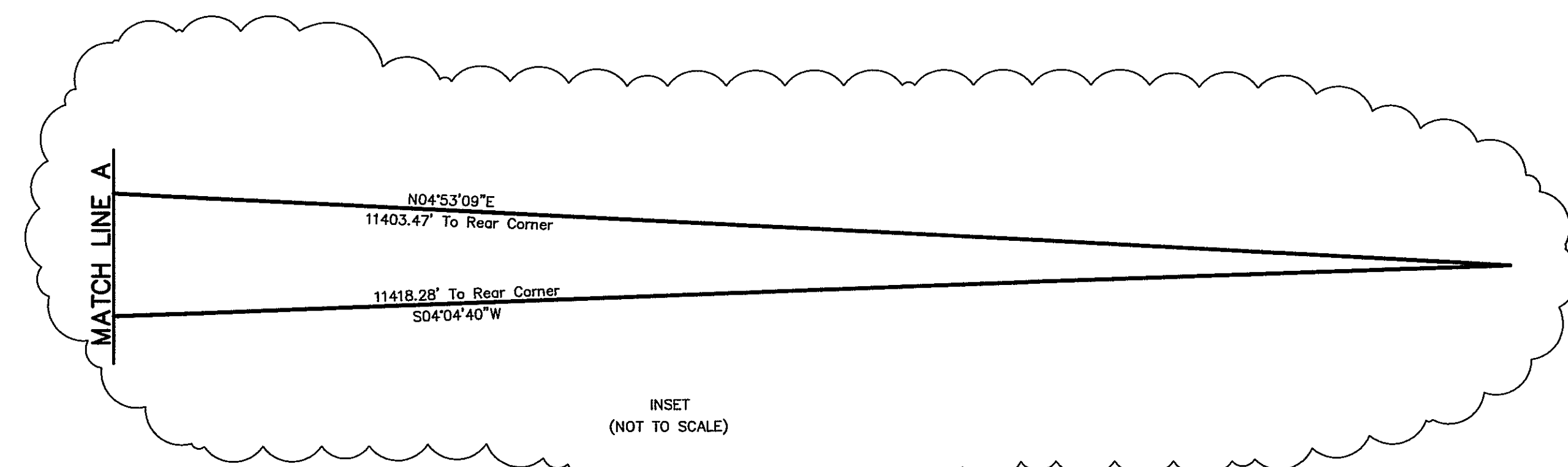
MODOC PLANTATION
PECAN GROVE PLANTATION

TITLE LINE BY E.M. COLLIER
ACTUAL LINE BY LANDRY

8.49'

Iron Rod Found

(N78°57'W Plan)
(S78°00'W Plan)
567.51' Actual
N79°00'02"W



MISSISSIPPI RIVER
FLOW

(LA. STATE HIGHWAY 48)
RIVER ROAD

(N78°57'W Plan)
(S78°00'W Plan)
567.51' Actual
N79°00'02"W

(N78°57'W Plan)
(S78°00'W Plan)
567.51' Actual
N79°00'02"W

(N78°57'W Plan)
(S78°00'W Plan)
567.51' Actual
N79°00'02"W

16.57'

LEGAL DESCRIPTION OF 20' ACCESS & UTILITIES SERVITUDE
COMMENCE AT THE INTERSECTION OF THE MODOC & PECAN GROVE PLANTATIONS AND THE NORTHERN
RIGHT OF WAY LINE OF LA. STATE HIGHWAY 48 (RIVER ROAD); THENCE N79°00'02\"/>

GRAPHIC SCALE



SURVEY MADE AT THE REQUEST OF:
DNA REAL ESTATE, LLC

NOTE:		REVISIONS		GENERAL NOTES:	
BEFORE YOU DIG. The Locations Of Underground And Other Non Visible Utilities Shown Hereon Have Been Determined From Data And/or Extracted From Records Made Available To Us By Agencies Controlling Such Records. Where Found, The Surface Features Of Locations Are Shown. The Actual Non Visible Locations May Vary From Those Shown Hereon. Each Agency Should Be Contacted Relative To The Precise Location Of Its Underground Installation Prior To Any Reliance Upon The Accuracy Of Such Locations Shown Hereon, Including To Excavation And Digging.		NO.	DATE	DESCRIPTION	BY

BEARINGS AND COORDINATES REFER TO LA.
GRID SOUTH ZONE NAD 83, USING GPS
OBSERVATIONS REFERENCED TO HAMMOND,
LOUISIANA & COVINGTON CORRS STATIONS WITH
AN OPUS SOLUTION.

REFERENCE MAPS:
1. SURVEY BY F.T. PAYNE DATED 12/31/1904
2. SURVEY BY E.M. COLLIER DATED 12/7/1960
3. SURVEY BY ADLOE ORR JR. DATED 6/4/1962
4. SURVEY BY S. BALLARD DATED 8/20/1980
5. SURVEY BY LANDMARK SURVEYING, INC. DATED 5/16/2003

PLAN= SURVEY BY E.M. COLLIER

LANDMARK SURVEYING, INC.
1513 RUEBEL STREET
Harahan, Louisiana 70123

Fax: 504-734-8357 Phone: 504-733-3303

© Copyright

There is no representation that all applicable servitudes and/or
restrictions have been shown hereon. Any servitudes and/or
restrictions shown on this plat are limited to those set forth in
the description and/or information furnished the undersigned. A
title or public record search for such information was not made
by the undersigned in compiling the data for this survey.

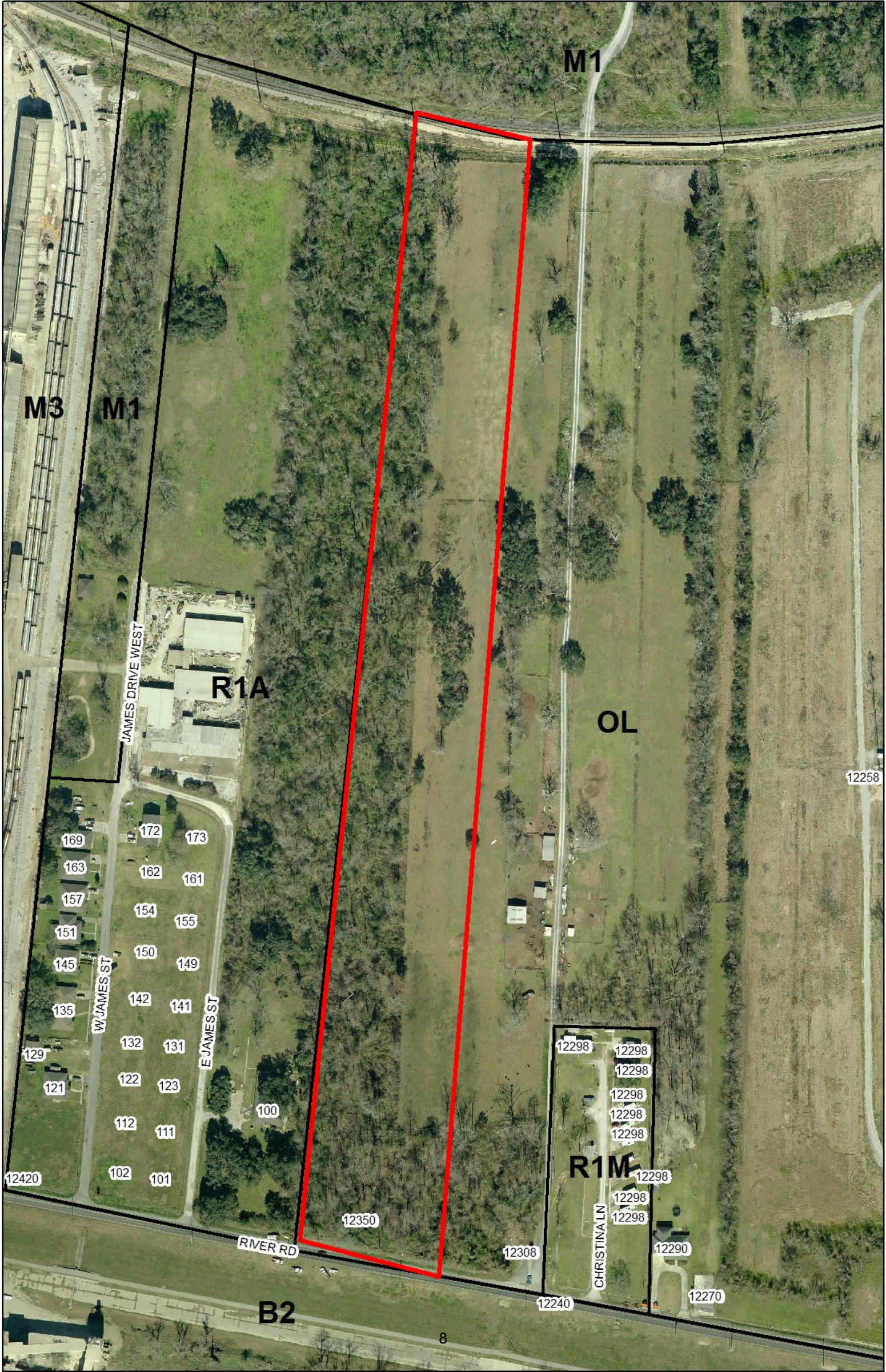
I certify that this plat represents an actual ground survey made
by me, or by those under my direction, that no visible
encroachments exist either way across the property lines except
as shown hereon and that this survey, and plat, are in accordance
with the adopted Louisiana Standards of Practice for Property
Boundary Surveys. This is a Class C Survey.

STATE OF LOUISIANA
J.F. RUELO
License No. 4508
Licensed
PROFESSIONAL
LAND SURVEYOR

PROFESSIONAL LAND SURVEYOR

RESUBDIVISION OF LOT 20 INTO
LOTS 20-A & 20-B
PECAN GROVE SUBDIVISION
SECTION 6, T 13 S ~ R 8 E
ST. ROSE
ST. CHARLES PARISH, LOUISIANA

JOB NO. 14-0180 | DATE: JULY 23, 2014 | DRAWING NO: 140180



LAND USE REPORT
CASE NUMBER: HO 2015-02

<p>◆ Name/Address of Applicant: Anthony Ragusa 100 Cypress Lane Destrehan, LA 70047 504.462.2125/504.421.2647</p>	<p>Application Date: 12/15/14</p>
<p>◆ Applicant's description of business: "HVAC. Only keep papers. All work is done at location of job." From 2008 application: "I am operating an air conditioning & heating business. The address is used as a mailing address and to keep paperwork. All work is to be performed at customers' property. No materials to be stored or customers to come to the property."</p>	

- ◆ **Existing Zoning and Land Use:**
R-1A zoning developed with a single-family residence.
- ◆ **Surrounding Land Uses and Zoning:**
The site is surrounded by R-1A zoning and development.
- ◆ **Traffic Access and parking:**
Site is accessible from both Cove Lane and Cypress Lane. It is developed with a two car garage and driveway that can stack as many as four passenger vehicles. The applicant indicates the business will not increase vehicle trips to or from the house.

A. General: It is the intent of this section to regulate home occupations in residential zones. A home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

1. **Pre-Application Orientation:** The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. **Application:** A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00) for those home occupations that require state permits and/or licenses and twenty-five dollars (\$25.00) for those home occupations that do not require state licenses or permits. The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. **Departmental Review:** The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.
4. **Public Notice and Comment:**

- a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
 - b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
5. Determination: The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:
- a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
 - b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
 - c. Deny the application.

(Ord. No. 06-12-6, § I, 12-4-06; Ord. No. 09-8-1, § I, 8-3-09)

C. Operational Regulations:

1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
3. There shall be no signs posted which indicate the existence of the home occupation.
4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. *(Ord. No. 03-8-11, § I, 8-18-03)*
5. Only the residents of the premises shall be engaged in the home occupation.
6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
8. The home occupation shall not eliminate required off-street parking.
9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. *(Ord. No. 96-7-4, 96-7-4)*
12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. *(Ord. No. 98-8-1, 8-3-98)*
13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational

licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

FINDINGS

In 2008, the applicant obtained zoning compliance to operate “Authentic Air, LLC” as a home occupation at 107 Liza Court, Montz. The business operated there continuously since with no complaints or violations on file. In mid-2014, the applicant moved to 100 Cypress Lane, and home occupation permits are non-transferrable with regard to location/address or ownership.

The applicant maintains that the business will continue to operate as is always has:

- 1. There will be no customers in the home.
- 2. Materials will be ordered per job and/or stored off-site.
- 3. No signs advertising the business will be placed on the property.
- 4. The home will be used for office/paperwork only.

The completed application indicates the applicant understands and will abide by operational regulations for a home occupation. He has been advised that zoning compliance for a Home Occupation does not relieve him of any obligations in the restrictive covenants for the subdivision.

DEPARTMENT RECOMMENDATIONS

Approval.



LAND USE REPORT
CASE NUMBER: PZR 2015-06

◆ Name/Address of Applicant: Triniece Davis 1306 Paul Fredrick Street Luling, LA 70070 504.228.7205; cecedavis@yahoo.com	Application Date: 1/6/15
◆ Location of Site: 1500 Paul Maillard Road, Luling Lots 18 and 19 of the C. Natis Tract (proposed Lot 19A= 8,034 sq. ft. with 100' frontage)	
◆ Requested action Change of land use zone from CR-1 to C-2	
◆ Purpose of Requested Action To renovate an existing single-family house for use as a cosmetology shop.	

- ◆ **Size of parcel**
8,034 square feet
- ◆ **Existing Land Use and Zoning**
The site is currently CR-1 and developed with a single-family house.
- ◆ **Surrounding Land Uses and Zoning**
To the north, south, and west (sides and rear) property is zoned CR-1 and developed with single-family houses. To the east, across Paul Maillard Road, Monsanto Subdivision is zoned R-1A and built out with low-density single-family houses.
- ◆ **Traffic Access and parking**
The property has 100' of frontage on Paul Maillard Road, which exceeds the required 60' width for a C-2 lot.
- ◆ **Future land use designation**
The future land use designation for this property is Paul Maillard Road Mixed Use Corridor.

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing on properties next to, or across the street from the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.

- b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
- a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

Appendix A, Zoning Ordinance, Section VI. C. [III] C-2 General commercial district:

[III.] C-2 General commercial district— Retail sales:

- 1. Use Regulations:
 - a. A building or land shall be used for the following purposes:
 - (1) All uses allowed in C-1 District. (Ord. No. 88-5-5, 5-16-88)
 - (2) Retail sales (except auto and mobile home sales), usage, and storage
 - (3) Hotels, motels and apartment hotels
 - (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
 - (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
 - (6) Animal hospitals where all animals are kept inside the building
 - (7) Service station
 - (8) Commercial recreation facilities
 - (9) Commercial greenhouses and nurseries
 - (10) Commercial schools
 - (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following: bicycles, radios, televisions, stereos and recorders, household appliances, locksmith, typewriters, other similar uses
 - (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses: dressmakers, millinery, tailors, baking goods sales, laundry and dry cleaners, theatres (but not the drive-in type)
 - (13) Laboratories
 - (14) Customary accessory uses incidental to the above uses when located on the same lot
 - (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
 - (16) Cemeteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district).
 - (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)
 - b. Special exception uses and structures include the following:
 - (1) Dwelling units contained within the office building
 - (2) Reserved
 - (3) Reserved
 - (4) Churches
 - (5) Movie theaters
 - (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director. (Ord. No. 88-9-9, 9-6-88)
 - c. Special permit uses and structures include the following:
 - (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.

- (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.
- (4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.
- (5) Heating and air conditioning service.
- (6) Sheet metal shops
- (7) Plumbing shops.
- (8) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.
- (9) Bingo halls, video bingo parlors, and off-track betting establishments upon review of the planning commission and ordinance of the St. Charles Parish Council.
2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet
 - (3) Rear - ten (10) feet.
 - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
3. Transportation Requirements: Arterial
4. Special Provisions:
 - a. Where any commercial use in a C-2 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones.

ANALYSIS

The property was not likely to be able to provide required parking. In October 2013, Ms. Davis purchased the subject property, 1500 Paul Maillard Road, two adjacent lots zoned CR-1 totaling 8,034 sq. ft. developed with a 1,100 sq. ft. single-family house served by a wide driveway and 58' side yard.

In October 2014, the applicant inquired about permitting a hair salon in the house: four styling stations, four wash bowls, and up to 7 dryers. She planned to live in the house and have additional stylists work in the salon.

While a hair salon is a permitted use in CR-1, (a personal service shop), it is subject to the following restrictions:

Personal service shops such as beauty shops and barber shops, small schools or studios such as arts and craft schools, conducted by *resident members of families* provided that no goods or merchandise, except those needed for instruction purposes, or offered for purchase by students only; and, provided that such use *shall not occupy more than five hundred (500) square feet of floor area* [emphasis added].

These restrictions prohibit a beauty shop from having staff and/or the leasing chairs to certified cosmetologists; it also may limit the floor area to less than the applicant requires. The required parking for the live-work unit she envisioned is 2 for the residence plus 1.5 spaces per chair plus 1 per employee (at least 8). Considering the number of wash and dry stations, it seemed likely that the number of people in the shop would often exceed the available parking.

She was advised to contact the building official regarding requirements to upgrade a single-family house to a live-work unit. She was also advised that personal services shops (hair dressers, cosmetology, beauty, or barber shops or spas) are permitted in C-2, General Commercial district (considered a “use of similar intensity,” #17). She decided to pursue a permit for a beauty shop without the residence, which requires the rezoning.

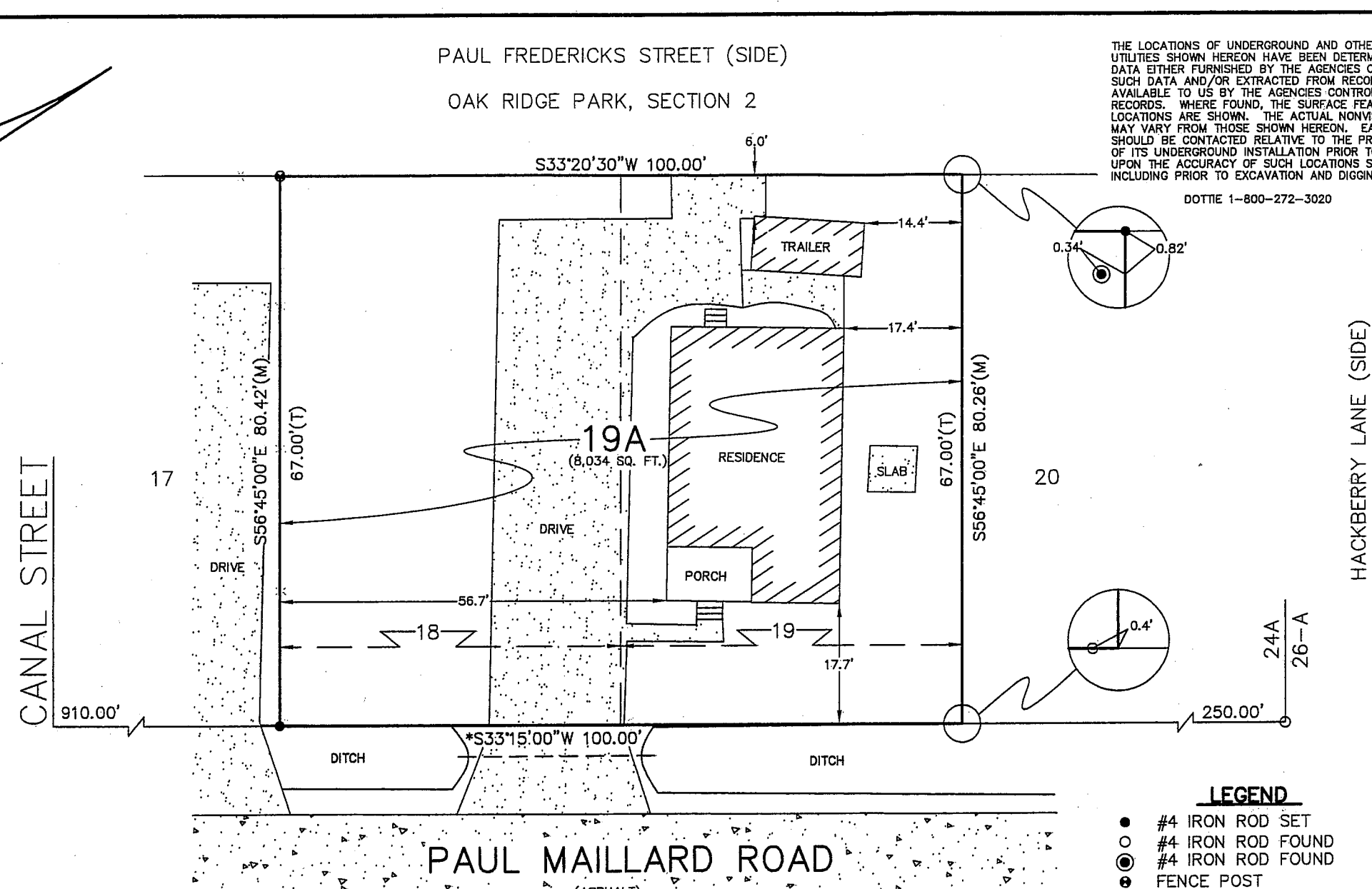
The zoning change is consistent with Future Land Use Map as the Paul Maillard Road Mixed Use Corridor is expected to permit neighborhood-serving business. The zoning change is also consistent with the Paul Maillard Road Revitalization Plan. While the proposed future land use

map for Paul Maillard Road recommends this property moderate density residential, a mixed-use node centered around Canal Street and encompassing the dentist office 100’ south of this property from this subject property. Between the subject property and the mixed use node is an unoccupied house and one occupied house.

In order to receive a recommendation for approval, a rezoning request must meet all criteria of one of three tests. Because this area of Paul Maillard Road has seen commercial renovation in recent years, and because the property is located on a proposed mixed use corridor, proximal to C-3 zoning, vacant land, and distressed housing, and also because it can be developed with the required parking, loading, and landscaping for the proposed use, **this request meets the criteria of the second test.**

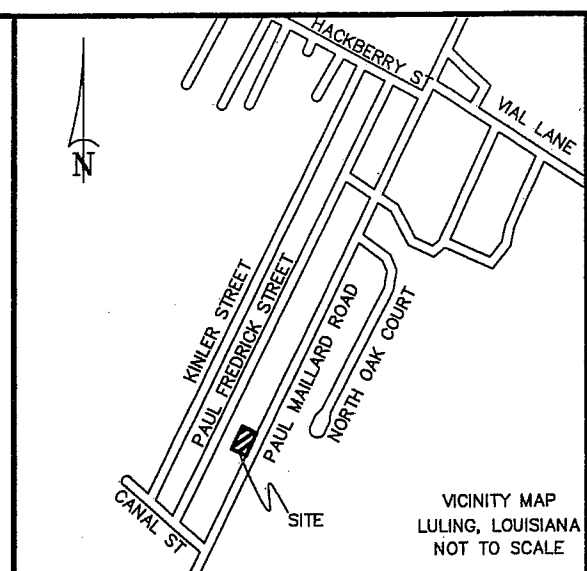
The second test is designed to prevent stress on public infrastructure and land uses that are incompatible with the surrounding neighborhood. Congestion of streets and traffic access and overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities is not likely to occur from the proposed use or any C-2 use on this site. Likewise, C-2 use of the building and land is compatible with the nearby land uses. Finally, the change to C-2 would not create an oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood because the current zoning permits a very similar use, a hair salon in a residence; however, the costs associated with upgrading the existing house to meet current building code requirements for a live-work unit make that project unfeasible.

DEPARTMENT RECOMMENDATIONS
<u>Approval.</u>



THE LOCATIONS OF UNDERGROUND AND OTHER NONVISIBLE UTILITIES SHOWN HEREON HAVE BEEN DETERMINED FROM DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR EXTRACTED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FOUND, THE SURFACE FEATURES OF LOCATIONS ARE SHOWN. THE ACTUAL NONVISIBLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY SHOULD BE CONTACTED RELATIVE TO THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATION PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON, INCLUDING PRIOR TO EXCAVATION AND DIGGING.

DOTTIE 1-800-272-3020



DEVELOPER: TRINIECE DAVIS
P.O. BOX 675
HAHNVILLE, LA 70057
504-228-7205

APPROVED: _____ DATE _____
PARISH PRESIDENT

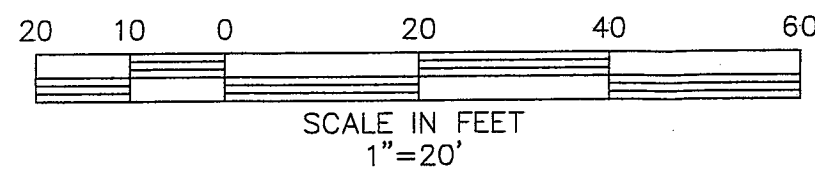
DIRECTOR, DEPT. OF PLANNING AND ZONING DATE _____

CERTIFICATION: THIS IS TO CERTIFY THAT THIS PLAT IS MADE IN ACCORDANCE WITH LA. REVISED STATUTES 33:5051 ET. SEQ. AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND.

RECORDED IN THE CLERK OF COURT'S OFFICE
ST. CHARLES PARISH ON THE _____
DAY OF _____ IN BOOK _____
FOLIO _____ ENTRY # _____

ALL NECESSARY SEWER, WATER AND/OR OTHER UTILITY EXTENSIONS, RELOCATION'S OR MODIFICATIONS SHALL BE MADE BY AND SOLELY AT THE LOT OWNER'S EXPENSE

- LEGEND**
- #4 IRON ROD SET
 - #4 IRON ROD FOUND
 - ⊙ #4 IRON ROD FOUND
 - ⦿ FENCE POST
 - (T) TITLE
 - (M) MEASURED
 - X- FENCE



TITLE: SURVEY PLAT AND RESUBDIVISION OF LOTS 18 AND 19 OF THE CHARLES NATIS TRACT INTO ONE LOT HEREIN DESIGNATED AS LOT 19A OF THE CHARLES NATIS TRACT SITUATED IN SECTION 91, T-13-S, R-20-E & SECTIONS 12 & 52, T-13-S, R-21-E, LULING, ST. CHARLES PARISH, LOUISIANA.

DATE: JANUARY 9, 2015
MUNICIPAL ADDRESS: 1500 PAUL MAILLARD ROAD
SURVEY REFERENCE:

1. SUBDIVISION BY E.M. COLLIER, SURVEYOR, DATED 3/24/1953.
2. SURVEY PLAT AND RESUBDIVISION OF LOTS 23 & 24 OF THE CHARLES NATIS TRACT BY STEPHEN P. FLYNN, P.L.S. DATED 10/20/2009.
3. SURVEY PLAT OF LOTS 23 & 24 OF THE CHARLES NATIS TRACT BY STEPHEN P. FLYNN, P.L.S. DATED 10/14/2009.
4. SURVEY & RESUBDIVISION OF LOTS 25 & 26 OF THE CHARLES NATIS TRACT INTO LOT 26-A BY R.P. BERNARD, P.L.S. DATED 2/21/2001.

BASIS OF BEARING: * WEST RIGHT OF WAY OF PAUL MAILLARD ROAD TAKEN FROM REFERENCE MAP NO. 1.

FLOOD NOTE: THE SURVEYED PARCEL IS IN ZONE "X" PER FEDERAL INSURANCE RATE MAP NUMBER 220160-0125C DATED 6/16/1992.

SURVEYOR'S NOTES:

- A. THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS B SURVEY.
- B. NO TITLE OPINION WAS PROVIDED TO THIS FIRM, THEREFORE NO CERTIFICATION IS GIVEN TO THE EXISTENCE OF OTHER SERVITUDES OR EASEMENTS WHICH MAY EXIST OTHER THAN THOSE SHOWN.
- C. NO UNDERGROUND LINES OR CONDUITS SHOWN.
- D. MINIMUM SETBACK LINES AND SERVITUDES SHOWN ARE BASED ON THE REFERENCED SURVEY PLAT. THE APPROPRIATE PARISH AUTHORITY OR NEIGHBORHOOD REGULATORY BOARD SHOULD BE CONSULTED FOR FINAL DETERMINATION.

DRAWN BY: BJD

DRAWING NO. MM0905

RIVERLANDS SURVEYING COMPANY
505 HEMLOCK STREET
LAPLACE, LA. 70068
1-800-248-6982
985-652-6356

STEPHEN P. FLYNN
P.L.S. LA. ST. REG. NO. 4668

For a change of zoning district from CR-1 to C-2

